

REMARKS

Reconsideration of the application is requested.

Applicant acknowledges the Examiner's confirmation of receipt of applicant's certified copy of the priority document for the German Patent Application 198 241 41.0, filed **May 29, 1998** supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-13 are in the application.

In "Claim Rejections - 35 USC § 102" item 2 on page 2 of the above-identified Office Action, claims 1-2 have been rejected as being fully anticipated by U.S. Patent No. 6,473,411 to *Kumaki, et al.* (hereinafter **KUMAKI**) under 35 U.S.C. § 102(e).

In "Claim Rejections - 35 USC § 103" item 4 on page 3 of the above-identified Office Action, claims 3-13 have been rejected as being obvious over **KUMAKI** in view of U.S. Patent No. 5,949,775 to *Mahany, et al.* (hereinafter **MAHANY**) under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103" item 5 on page 5 of the above-identified Office Action, claim 6 have been rejected as being obvious over **KUMAKI** in view of **MAHANY** and further in

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view of U.S. Patent No. 6,192,231 to *Chapman, et al.*  
(hereinafter **CHAPMAN**) under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103" item 6 on page 6 of the above-identified Office Action, claims 8 and 10 have been rejected as being obvious over **KUMAKI** in view of **MAHANY** and further in view of U.S. Patent No. 6,580,906 to *Bilgic, et al.* (hereinafter **BILGIC**) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

More specifically, while the rejections indicated in the above-identified application are noted, applicants respectfully submit, as will be seen from the following, that **KUMAKI** is not available as a prior art reference against the instant application.

The instant application claims the priority of the German application 198 24 141.0, filed May 29, 1998. The invention described and claimed herein was reduced to practice **prior to May 12, 1998**, the effective filing date of **KUMAKI**.

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Enclosed herewith is an unsigned copy of a Declaration under 37 CFR § 1.131 and a copy of a signed invention disclosure (*Erfindungsmeldung*) averring and corroborating the earlier invention date. A signed copy of the enclosed Declaration under 37 CFR § 1.131 will be submitted upon receipt by the undersigned. The invention disclosure is accompanied by a certified translation illustrating that the invention had indeed been reduced to practice and that the inventor was in full possession of the invention **prior to May 12, 1998 (less than 3 weeks)** before the filing date of the German priority application).

In view of the foregoing, the Examiner is requested to withdraw the rejections under 35 U.S.C. § 102 and 103 in "Claim Rejections - 35 USC § 102" item 2 on page 2 and "Claim Rejections - 35 USC § 103" item 4 on page 3, item 5 on page 5, and item 6 on page 6 of the above-identified office action.

Moreover, **MAHANY**, **CHAPMAN**, **BILGIC** and combinations thereof do not teach the deficiencies left due to the unavailability of **KUMAKI** in the rejections found in items 4, 5, and 6 in the above-identified Office Action. It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of

claim 1 or claim 3. Claims 1 and 3 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or claim 3.

In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099. Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
For Applicant  
KHF:cgm

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May 17, 2004  
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